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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOSHUA A. MARTINEZ,**

**Defendant.**

**No. 2:21-cr-00219-APG-DJA**

**Response to Defendant's Motion to Modify  
Conditions of Release (ECF 77)**

**CERTIFICATION:** This response is timely filed.

Defendant Martinez has filed a motion seeking modification of his pretrial release conditions. ECF 77. This is the second motion he has filed seeking modification of conditions, and it is virtually identical to his first motion, ECF 47. The Court denied the first motion because the Court was not persuaded that the conditions imposed “are no longer the least restrictive conditions of release.” ECF at 2. The Court should deny the present motion for the same reason – nothing in the motion shows that the original conditions are no longer the least restrictive conditions of release.

1 On September 10, 2021, the Court ordered the defendant released on a personal  
2 recognizance bond subject to pretrial release conditions. ECF 13. The conditions included home  
3 detention and GPS monitoring. *Id.* at 5. Exceptions to the home detention condition included  
4 permitting the defendant to travel within six miles of his home outside of Las Vegas, and to Las  
5 Vegas to attend court, meet with his attorney, meet with Pretrial Services, drug test, attend  
6 treatment, and see his children. *Id.* The release conditions also prohibited the defendant from  
7 having contact with Deputy District Attorney Michael Dickerson and Detective Kenn Mead. *Id.*  
8 Both were victims of threats made by the defendant.

9 Originally the defendant sought modification of his release conditions to allow him to  
10 travel on Saturdays to sell produce at the Intuitive Forager Farmers Market in Las Vegas from  
11 9 am to 2 pm. ECF 47. The Court denied that motion because it was not persuaded that the  
12 conditions imposed “are no longer the least restrictive conditions of release” to reasonably assure  
13 both the safety of the community and the appearance of the defendant as required. ECF 51 at 2.

14 The defendant’s current motion is virtually identical to his first motion. It seeks  
15 modification to allow the defendant to travel to Las Vegas on Saturdays at the same time to the  
16 same market to sell produce. The only difference between the two motions is timing – in the first  
17 the defendant says that he has been on Pretrial Release for about 15 months, and in the second  
18 he says that he has been on Pretrial Release for more than 26 months. Otherwise, no difference  
19 between the two motions exists. In other words, the defendant provides no new information for  
20 the Court to use to determine whether the original conditions are no longer the least restrictive  
21 conditions of release.

22 The Bail Reform Act permits the Court to amend the detention order at any time to  
23 “impose additional or different conditions of release.” 18 U.S.C. § 3142(c)(3). But in doing so,  
24

1 the Court must determine that additional or modified conditions will be the least restrictive  
2 conditions of release.

3 The defendant has provided no new reason for modification. Rather repeats his old  
4 reasons rejected by the Court. Accordingly, the defendant's motion should be denied. But there  
5 is more. The government has recently contacted the victims, and they remain concerned for their  
6 safety, and rightly so. The defendant has a long history of making offensive and chilling  
7 statements about law enforcement officers, and had published serious threats on his social media  
8 site against the victims in response to their having performed their official duties as a Deputy  
9 District Attorney and a LVMPD detective. Both victim continues to work nearby the market.

10 Based on the foregoing, the Court should deny defendant's current natmotion to modify  
11 the conditions of his Pretrial Release.

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13 JASON M. FRIERSON  
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14 /s/ Daniel R. Schiess

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